

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

WORLD FUEL SERVICES, INC.,

Plaintiff/Counter-Defendant,

v.

Case No. 3:16-cv-00504-SB

EVERGREEN HELICOPTERS, INC.,
a/b/n **ERICKSON HELICOPTERS, INC.,**

OPINION AND ORDER

Defendant/Counter-Claimant.

MOSMAN, J.,

On December 2, 2019, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [68], recommending that Defendants’ Motion to Amend Answer and Counterclaim [21] be granted and that Plaintiff’s Motion for Summary Judgment [17] be denied. Plaintiff objected [70], and Defendant filed a response to the objection [71].

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation and I ADOPT the F&R [68]. I GRANT Defendant's Motion to Amend Answer and Counterclaim [21], and I DENY Plaintiff's Motion for Summary Judgment [17]. Finally, I ORDER the parties to submit a proposed case management plan within seven (7) days of the date of this order.

IT IS SO ORDERED.

DATED this 8th day of January, 2020.

Michael W. Mosman
MICHAEL W. MOSMAN
United States District Judge